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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/903,846

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Donna R. Bloomquist

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03/24/2004

Patent Department
Agfa Corporation
200 Ballardvale Street
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EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 03/24/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,846

Applicant(s)

BLOOMQUIST ET AL.

Examiner

Mark E. Wallerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16, 18-21 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16, 18-21 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on 12/24/03.
2. This application has been reconsidered. Claims 1-16, 18-21, and 27-34 are pending.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁶ of this title before the invention thereof by the applicant for patent.

6. Claims 1, 3, 4, 5, 6, 7, 10, 12, 13, 14, 15, 16, 18, 20, 21, 27, 31, 32, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Notredame et. al. (hereinafter referred to as Notredame) (U. S. 6,049,390).

With respect to claims 1, 10, and 20, Notredame discloses an imaging method for combining first and second raster data (column 13, lines 48-53) comprising receiving at a print drive (which reads on block 1003, figure 10) from at least one raster image processor (RIP) (1009) the first data of an image processed by the RIP (column 13, lines 48-53), the print drive (1003) comprising a job control system (110) for receiving, storing, digitally combining, and outputting the raster data (column 14, lines 33-52 and column 19, lines 15-32), and a user

interface (120) for directing operation of the job control system by an operator (column 15, lines 5-10); receiving the second raster data (column 13, lines 48-53); selecting the first and second raster data (column 16, lines 13-21 and column 15, line 41 to column 16, line 1), and digitally combining by the print drive in response to direction by the user interface, the first and second raster data to form combined raster data (column 19, lines 15-32).

With respect to **claims 3 and 12**, Notredame discloses the step of combining includes masking (column 5, lines 53-65).

With regard to **claims 4 and 13**, Notredame discloses a color separation operation (column 10, lines 59-67).

With respect to **claims 5, 14 and 21**, Notredame discloses the destination device is a printer (column 8, lines 29-34).

With regard to **claims 6, 15, 31, 32, and 34**, Notredame discloses that the raster image processor comprises a page description language interpreter (column 1, lines 61-65).

With respect to **claims 7 and 16**, Notredame discloses that the second raster data has substantially the same resolution as the first raster data (column 6, lines 61-67).

With regard to **claim 18**, Notredame discloses the prepress printing system (1001) in electrical connection with the print drive input terminal (120) comprises a general purpose computer (1005 and column 9, lines 50-53) having image software for producing a first and second image file (column 9, line 50 to column 10, line 57) coded in a page description language (column 10, lines 34-42), wherein the print drive (1003) receives and converts the first and second files to raster data (column 10, lines 50-67 and column 14, lines 26-32).

With respect to **claim 27**, Notredame discloses a network interface (column 14, lines 53-61).

With regard to **claim 28**, Notredame discloses an output device (printer) in communication with the print drive output (column 14, lines 33-40).

With respect to **claim 33**, Notredame discloses an image server in communication with the RIP (column 14, lines 11-25).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Notredame in view of Perowne (U. S. 5,555,475).

With respect to **claim 8**, Notredame differs from **claim 8** in that he does not clearly disclose creating a first image file coded in a PDL; receiving by the RIP, the first image file; interpreting the first image file to produce first raster data; transmitting the first raster data; creating a second image file; receiving by the RIP, the second image file; interpreting the second image file to produce second raster data and transmitting the second raster data.

Perowne discloses creating a first image file coded in a PDL (which reads on the RIP is supplied with a page description file comprising text or graphics) (column 3, lines 44-48); receiving by the RIP, the first image file (column 4, lines 44-48); interpreting the first image file to produce first raster data (column 4, lines 48-53); transmitting the first raster data (column 4, lines 60-66); creating a second image file (which reads on the RIP is supplied with a page description file comprising text or graphics) (column 3, lines 44-48); receiving by the RIP, the second image file (column 4, lines 44-48); interpreting the second image file to produce second raster data (column 4, lines 48-53); transmitting the second raster data (column 4, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame to create a first image file coded in a PDL; receive by the RIP, the first image file; interpret the first image file to produce first raster data; transmit the first raster data; create a second image file; receive by the RIP, the second image file; interpret the second image file to produce second raster data and transmit the second raster data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame by the teaching of Perowne in order to improve the raster image processing of the data.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 11, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notredame in view of Patton (U. S. 4,395,116).

With respect to claims 2 and 11, Notredame differs from claims 2 and 11 in that he does not clearly disclose that the step of combining comprises doubleburning. Patton discloses a method for forming a composite image by double-burning (column 3, lines 55-58 and column 5, lines 23-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame wherein the step of combining comprises doubleburning. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame by the teaching of Patton in order to reduce the time, cost, and effort necessary to produce composite images as disclosed by Patton in lines 1-3 of the abstract.

Notredame also differs from claims 29 and 30 in that he does not clearly disclose a platesetter. Patton discloses utilizing printing plates (column 5, lines 23-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame to use a platesetter. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame by the teaching of Patton in order to improve the printing process.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Notredame in view of Heiney (U. S. 5,983,243).

With respect to claim 19, Notredame differs from claim 19 in that he does not clearly disclose a server for transmitting input files to the RIP. Heiney discloses a data processing system in which a server (40) receives input files (102) and transmits these files (102) to a RIP (110). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame wherein a server is used for transmitting input files to the RIP. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame by the teaching of Heiney in order to maximize the presentation throughput of the printer.

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Notredame in view of Perowne as applied to claim 8 above, and further in view of Heiney (U. S. 5,983,243).

With respect to claim 9, Notredame as modified differs from claim 9 in that he does not clearly disclose a server for transmitting input files to the RIP. Heiney discloses a data processing system in which a server (40) receives input files (102) and transmits these files (102) to a RIP (110). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame as modified wherein a server is used for transmitting input files to the RIP. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Notredame as modified by the teaching of Heiney in order to maximize the presentation throughput of the printer.

Response to Amendment

15. The Declaration filed on 12/24/03 under 37 CFR 1.131 has been considered but is ineffective to overcome the Notredame reference. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the *Notredame* reference to either a constructive reduction to practice or an actual reduction to practice. Exhibit A merely shows a date (July 10, 1997) on a computer screen. This does not indicate actual or constructive reduction to practice. Additionally, the dates depicted in page 18 of Exhibit B also do not show conception of the invention prior to the effective date of the *Notredame* reference coupled with due diligence.

Conclusion

16. All claims are rejected.
17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

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(for informal or draft communications, such as proposed amendments to be discussed at an interview;
please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

Mark Wallerson